REMARKS

The Office rejects all of the pending claims in the subject application, namely claims 1-6, 8-14, and 16-25. Upon entry of the foregoing amendments, Applicants amend claims 1-3, 5, 6 and 16, cancels claim 9, and add claims 27-28. Claims 1-6, 8, 10-14, 16-25, and 27-28 remain pending in the application. Support for the various amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Rejections Under 35 U.S.C. § 102(e)

Claims 3-4 and claim 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Iyengar et al., U.S. Patent No. 6,360,205 ("Iyengar"). The Examiner contends that Iyengar discloses "receiving data comprising passenger name record data from an automated billing system...establishing a user profile having payment information; determining at least one fee (e.g., Fig. 18) using the data and based on the profile; and charging the fee to an account comprising the account in the user profile." Applicants respectfully traverse the rejection.

Iyengar is limited to "a method for providing reservation information related to airline flights, lodging, transportation and the like using a communications network." See Abstract. More specifically, Iyengar is limited to a web server that is configured to receive input from a user who is looking for an airline flight, to search the internet for websites offering airline flights, to reconfigure the input to conform to the offering websites, to receive flight information from the offering websites, to reformat it into a common format for presenting to the user, and to facilitate the user's booking of a selected flight. See, Col. 10, ll. 45 - Col. 14, ll. 13.

The process disclosed by Iyengar only takes the user to the point of finding the flight that he/she wishes to book. At that point, the user is "handed off" to the individual airline web pages to book the flight using common methods. See, Col. 12, ll. 15-25, 48-52; Col. 18, ll. 53-57; Col. 19, ll. 58-59; Col. 21, ll. 18-19. In other words, Iyengar does not disclose anything about the process employed to make payment for the purchased flight beyond the fact that payment may eventually be made using a credit card listed in the user's profile. See, e.g., Col. 8, ll. 9-13.

Specifically, Iyengar does not disclose the use of **"Passenger Name Records"** as this term is described in the specification at, for example, paragraph 55, and as Passenger Name Records are understood in the relevant art(s). The Examiner contends that a passenger name record is disclosed in Iyengar because it discloses that a billing system sends a data record associated with the passenger name. Applicants assert that a Passenger Name Record is not just any data record associated with a passenger name. Passenger Name Records are specific types of records used in the travel industry. By way of background information, most airlines and/or travel agencies store their PNR's in a virtual "partition" in the database of a Computerized Reservation System (CRS). Although refered to as CRS's by federal regulations, CRS's are also known as "Global Distribution Systems" (GDS's). Exemplary CRS/GDS's are Saber, Galileo/Apollo, Amadeus, and Worldspan.

Passenger Name Records often store more than a hundred different data elements. The following list of Passenger Name Record data elements is illustrative of those data elements that may be stored in a Passenger Name Record:

> Last name; first name; date of birth; address(es); phone number(s); passenger name record locator (reservation) number; reservation date (or dates, if multiple reservations made), travel agency / agent, if applicable; ticket information; itinerary information; carrier information for the flight, including but not limited to carrier information for each segment of the flight if not continuous, the flight number(s), and date(s) of intended travel; seating; Passenger Name Record history; the requested kind of food for the flight; whether any facilities are needed for disabled; hotel reservation information, car rental information, etc.

Applicants note that a Passenger Name Record is not even created until a flight is reserved, and, as explained above, Iyengar does not venture into any substantive discussion of the post-flight reservation processes. If the Examiner still believes that a Passenger Name Record is disclosed in Iyengar, Applicants respectfully request that the Examiner cite the Iyengar column and line numbers disclosing a billing system that sends such a Passenger Name Record.

In addition to failing to disclose elements of claim 3, that may be associated with a "Passenger Name Record," Iyengar also does not disclose other features of claim 3. Iyengar discloses that a travel agent might use the Iyengar system to book a flight for a customer and, in some cases, the travel agent may wish to charge a fee for that service. See, Col. 12, ll. 57-59;

Col. 13, 11. 43-61; Col. 17, 11. 1-5. Importantly, a fee such as a service fee charged in connection with the purchase of a ticket, is very different than the cost of the ticket itself. Iyengar barely mentions the existence of such a fee, and clearly does not at all disclose how the amount of such a fee is determined. Thus, Iyengar does not disclose "determining said fee based upon said Passenger Name Record data and said user profile, wherein said fee represents an extra charge related to said travel-related transaction in addition to said cost" as recited in amended independent claim 3.

For the above reasons, Applicants submit that each element of independent claim 3 is not disclosed, taught or suggested by Iyengar. Claims 4 and 8 variously depend from independent claim 3, therefore claims 4 and 8 are differentiated from the cited reference for at least the same reasons as set forth above for differentiating independent claim 3, as well as in view of their own respective features. Applicants respectfully request withdrawal of the rejection of claims 3-4 and 8 under 35 U.S.C. § 102(e).

With respect to claim 17, although Iyengar mentions that a Computer Reservation System is one of the sources of information accessed for determining flight availability, Iyengar does not disclose, "receiving Passenger Name Record data from an accounting system, said accounting system configured to receive Passenger Name Record data from a Computer Reservation System. . . comparing said Passenger Name Record data to information in said user profile to determine a fee to be charged for said assistance by said travel agency" as recited in independent claim 17. To the extent that the Examiner considers this information disclosed or taught in Iyengar, Applicants respectfully request that the Examiner cite the column and line number of such information.

For the above reasons, Applicants submit that each and every element of independent claim 17 is not disclosed, taught or suggested by Iyengar. Applicants respectfully request withdrawal of the rejection of claim 17 under 35 U.S.C. § 102(e).

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 5, 6, 8-14, 16, 18, 19, and 23-25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Iyengar in view of Loeb et al., U.S. Patent No. 6,360,209 ("Loeb").

Although the Examiner acknowledges that Iyengar does not disclose an enhanced descriptive billing statement and fee reconciling information, the Examiner contends that Loeb teaches "providing enhanced descriptive billing wherein individual charged entries are described to provide for reconciliation to a larger transaction." Applicants respectfully traverse the rejection.

Loeb's disclosure is the antithesis of facilitating reconciliation of two charges on a billing statement. Loeb is limited to a method of making it <u>difficult</u> to cancel magazine purchases completed with a credit card, by breaking up charges for multiple magazines purchased at one time and by making it as difficult as possible to recognize that the charges are all part of the same purchase. Loeb is limited to a method of generating a credit card billing statement that separately itemizes multiple purchased magazines that were purchased in a single transaction. See Abstract. For example, if several magazines were purchased from a remote retailer in a single transaction (Col. 1, line 20 -Col. 2, line 47), the method of Loeb facilitates "separately bill[ing] on a credit card for each individual good or service ..." in order to "minimize cancellation of the overall order by the customer." Col. 4, ll. 47-54. In fact, Loeb discloses a "payment schedule" to "stagger the billing for each item included within a given order", i.e., to spread the charges out over the bill. Col. 6, ll. 44-48. Furthermore, Loeb discloses providing "a different customer service number for each individual item purchased so that the customer cannot cancel the entire order with a single telephone call." Col. 4, ll. 60-63. Thus, Loeb discloses <u>disassociating multiple purchase charges</u> with the express purpose of reducing the likelihood that someone who purchases multiple magazines in a single transaction will cancel that order when they receive the credit card bill.

Thus, Iyengar in view of Loeb does not disclose, "providing an enhanced descriptive billing statement, wherein said enhanced descriptive billing statement: (i) recites said cost related to said travel-related transaction; (ii) separately recites said fee; and (iii) recites indicia indicating that said fee and said cost are related to each other;" as recited in amended claim 1. If the Examiner believes otherwise, the Examiner is requested to identify, by column and line number, where in Loeb these positively recited elements are disclosed.

Furthermore, there is no suggestion or motivation to combine Iyengar with Loeb. The Examiner's stated motivation is that it would be obvious to modify Iyengar by "providing such

[reconciliation] information in order to reduce customer inquiries." However, Iyengar is directed towards making flight booking easier, but combining Iyengar and Loeb would at most result in a system that made it more difficult for a ticket purchaser to associate the ticket with its related transaction fee (if any). Thus, not only does Loeb not teach providing an enhanced descriptive billing statement as recited in claim 1, in fact, Loeb teaches away from these elements and from Iyengar by teaching the disassociation of individual products purchased at the same time.

Claims 2, 5, 6, 8 and 10 variously depend from independent claim 1, therefore claims 2, 5, 6, 8 and 10 are differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 1, as well as in view of their own respective features. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103.

Similarly, Iyengar in view of Loeb does not disclose a "means for providing reconciliation information that is configured to facilitate reconciling said fee to the related purchase on a billing statement for said account", as recited in amended independent claim 11. Claims 12-14 and 16 variously depend from independent claim 11, therefore claims 12-14 and 16 are differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 11, as well as in view of their own respective features.

Similarly, Iyengar in view of Loeb does not disclose "receiving an account billing statement including a separate fee charged for the transaction . . ., wherein said fee is reconciled with associated transaction costs in said account billing statement," as recited in independent claim 23. Claims 24-25 variously depend from independent claim 23, therefore claims 24-25 are differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 23, as well as in view of their own respective features.

Claims 17 and 20-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Iyengar in view of Loeb. As discussed above, Iyengar does not disclose "comparing said Passenger Name Record data to information in said user profile to determine a fee to be charged", as recited in claim 17. Claims 20-22 variously depend from independent claim 17, therefore claims 20-22 are differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 17, as well as in view of their own respective features.

Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at (602)382-6367 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Dated: _Feb 9, 2005_

Respectfully submitted,

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